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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/610,197

07/01/2000

John B. Ferber

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6838

22852

7590

07/27/2006

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EXAMINER

LAFORGIA, CHRISTIAN A

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/610,197

Applicant(s)

FERBER ET AL.

Examiner

Christian La Forgia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-30 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 2-20 is/are allowed.  
6) ☒ Claim(s) 21-30 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. The amendment of 20 April 2006 has been noted and made of record.
2. Claims 2-30 have been presented for examination.
3. Claims 2-15 have been allowed.

***Response to Arguments***

4. Applicant's arguments, see page 9, filed 20 April 2006, with respect to the 35 U.S.C. 112 2<sup>nd</sup> rejection of claims 16-20 have been fully considered and are persuasive. The 35 U.S.C. 112 2<sup>nd</sup> rejection of claims 16-20 has been withdrawn.
5. Applicant's arguments filed 20 April 2006 with regards to claims 21-30 have been fully considered but they are not persuasive.
6. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).
7. In response to the Applicant's arguments that the cited references do not disclose using long-term and short-term attributes to compute a click-probability estimate representing a likelihood that the customer will respond to the Internet advertisement, the Examiner disagrees. Guyot employee's user profiles to target advertisements to specific demographics. It has been established, as of the office action of 01 March 2004, that user profiles comprise of long-term and short-term attributes. Guyot discusses choosing advertisements to be displayed that have a high probability of success, and again, it has been established, as early as the office action of 01

March 2004, that choosing an advertisement based on a high probability of success is well-known and practiced in the art.

8. In response to the Applicant's arguments tat Hoffberg does not disclose determining an uncertainty of the click probability estimate, the Examiner disagrees. The Hoffberg references discloses a conditional probability of a subsequent action by the user, which in turn is based on the number of times that the advertisement has previously been displayed and had a subsequent action performed.

9. Therefore, the combination of references discloses determining an uncertainty of the click probability estimate.

10. See further rejections that follow.

***Claim Rejections - 35 USC § 103***

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

12. Claims 21-30 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 6,119,098 to Guyot et al., hereinafter Guyot, in view of U.S. Patent No. 6,850,252 to Hoffberg, hereinafter Hoffberg.

13. As per claim 21, Guyot discloses a computer-implemented method for selecting Internet advertisements for presentation, comprising:

establishing a customer profile for a customer, the customer profile including long-term attributes (data entered by subscriber) related to a category of advertisements of interest to the customer and short-term attributes related to a product of interest to the customer (recent web - sites visited) (column 2, lines 37-42, column 3, lines 60-65, column 6, lines 31-39); and

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for an Internet advertisement,

using the long-term attributes and the short-term attributes to compute a click probability estimate representing a likelihood that the customer will respond to the Internet advertisement (column 1, line 56 to column 2, line 8, i.e. “provides advertisements to the ‘client application’ that are targeted to each individual subscriber, based on a personal profile by that subscriber”).

14. Guyot discloses keeping track of the number of times an Internet advertisement has been displayed (column 2, lines 23-29) and using an estimate to determine whether to display an advertisement to the customer (column 1, lines 56-65).

15. Guyot does not disclose determining an uncertainty of the click probability estimate and using the uncertainty to determine whether to present the Internet advertisement to the customer.

16. Hoffberg discloses determining a conditional probability of a subsequent action by the user, which is drawn to the uncertainty of the click probability (column 44, lines 37-60).

17. Guyot and Hoffberg are both drawn to target advertising based on at least user profiles.

18. It would have been obvious to one of ordinary skill in the art at the time the invention was made to determine an uncertainty of the click probability estimate based at least in part on a number of times the advertisement has been displayed and using both the click probability estimate and the uncertainty to determine whether to present the advertisement to the customer, since Hoffberg states at column 44, lines 43-60 that such a modification may be used to calculate an advertiser charge for delivery of an advertisement, prioritize the advertisements sent to the user in order to maximize the utility to the selected advertiser.

19. Regarding claim 22, Guyot teaches adjusting the customer profile based on types of advertisements previously responded to by the customer (column 4, lines 15-23, i.e. number of times each advertisement has been effectively displayed on the subscriber's system).

20. Regarding claim 23, Guyot teaches adjusting the customer profile based on Internet sites visited by the customer (column 2, lines 37-42, i.e. client application keeps track of Internet sites that the subscriber has accessed).

21. Regarding claims 24, 26, and 30, Hoffberg teaches presenting the Internet advertisement to the customer (column 43, lines 36-52, i.e. advertisers can try to expose consumers to advertisements designed to appeal to their tastes and interests),

receiving a response to the Internet advertisement from the customer (column 43, line 58 to column 44, line 5, i.e. click-through); and

updating the uncertainty based on the customer's response (column 44, lines 37-60).

22. As per claim 25, Guyot discloses a computer-implemented method for optimizing Internet advertising selection, comprising:

creating a customer profile corresponding to a customer (column 2, lines 37-42, column 3, lines 60-65, column 6, lines 31-39);

establishing an advertisement profile for each of a plurality of advertisements, each advertisement profile including an expected revenue based on potential placement of the corresponding advertisement (column 3, line 66 to column 4, line 23);

for each advertisement, using the customer profile to determine an estimated probability that the customer will respond to the advertisement (column 1, line 56 to column 2, line 8); and selecting which of the plurality of advertisements to present to the customer based on the estimated probability of the customer responding to the advertisement (column 1, line 56 to column 2, line 8).

23. Guyot discloses keeping track of the number of times an Internet advertisement has been displayed (column 2, lines 23-29).

24. Guyot does not disclose determining an uncertainty based on the amount of times the advertisement has been placed and placing the advertisement based on the probability of the customer responding, the expected revenue, and the measure of uncertainty.

25. Hoffberg discloses determining a conditional probability of a subsequent action by the user, which is drawn to the uncertainty of the click probability (column 44, lines 37-60), and placing the advertisement based on the probability of the customer responding, the expected revenue, and the measure of uncertainty (column 44, lines 37-60).

26. Guyot and Hoffberg are both drawn to target advertising based on at least user profiles.

27. It would have been obvious to one of ordinary skill in the art at the time the invention was made to determine an uncertainty of the click probability estimate based at least in part on a number of times the advertisement has been displayed and using both the click probability estimate and the uncertainty to determine whether to present the advertisement to the customer, since Hoffberg states at column 44, lines 43-60 that such a modification may be used to calculate an advertiser charge for delivery of an advertisement, prioritize the advertisements sent to the user in order to maximize the utility to the selected advertiser.

28. Regarding claim 27, Hoffberg teaches wherein the response is a click selecting the advertisement (column 43, line 59 to column 44, line 23).

29. Regarding claim 28, Hoffberg teaches wherein the response is a request for more information (column 44, lines 24-36).

30. Regarding claim 29, Hoffberg teaches wherein the response is a purchase of an item in the advertisement (column 43, line 59 to column 44, line 5).

*Allowable Subject Matter*

31. Claims 2-20 are allowed.

32. The examiner's statement of reasons for allowance can be found in the previous office action of 24 October 2005.

33. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

34. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

35. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO



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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (571) 272-3792. The examiner can normally be reached on Monday thru Thursday 7-5.

37. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

38. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christian LaForgia  
Patent Examiner  
Art Unit 2131  
clf

